

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
PROGRAM SERVICES DIVISION**

**CHAPTER 0250-7-15
FOSTER PARENTS' BILL OF RIGHTS**

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0250-7-15-.01 PURPOSE OF CHAPTER.

- (1) The purpose of this chapter is to provide, in compliance with Tennessee Code Annotated § 37-2-415, procedures for the selection, training, and implementation of Foster Parent Advocates in conjunction with the Foster Parents' Bill of Rights. It also provides procedures for foster parents, with the assistance of the Foster Parents' Advocates, to file grievances and appeals when necessary, and when the foster parents are not in agreement with actions taken by the Department of Children's Services.

Authority: T.C.A. §§ 37-5-105, 37-2-405, and 37-2-415. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.

0250-7-15-.02 DEFINITIONS FOR PURPOSES OF THIS CHAPTER.

- (1) Advocate - An advocate is a specially trained foster parent, appointed by the President and the Board of Directors of the Tennessee Foster Care Association, who is educated concerning procedures relevant to investigations of alleged abuse and neglect by the Department of Children's Services and the rights of the accused foster parent or parents, and assisting foster parents in following policy and filing grievances and appeals with the Department of Children's Services.
- (2) Foster Parent - A person who has been trained and approved by the department or licensed child-placing agency to provide full-time temporary out-of-home care in a private residence for children who, for various reasons, can no longer remain in their own homes, or the prospective adoptive parents who have received a child as a result of the surrender of parental rights, a parental consent, or as the result of a termination of parental rights.
- (3) Department - The Tennessee Department of Children's Services or any of its divisions or units.

Authority: T.C.A. §36-1-102. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.

0250-7-15-.03 PROCEDURES FOR FOSTER PARENTS' BILL OF RIGHTS.

- (1) Selection of Advocates in child abuse/neglect investigation involving the foster parent(s):
 - (a) The Advocate(s) shall be appointed by the president of the Tennessee Foster Care Association, with the approval of the Board of Directors of the Tennessee Foster Care Association.
- (2) Qualifications of the Advocates:
 - (a) Each potential Advocate must complete an application form, and supply names of references.

(Rule 0250-7-15-.03, continued)

- (b) The Advocate must be an approved foster parent in good standing with the Tennessee Department of Children's Services.
 - (c) The Advocate must be a member in good standing of the Tennessee Foster Care Association.
 - (d) The Advocate must have completed the official Department of Children's Services foster parent training or equivalent training as determined by the Department of Children's Services.
 - (e) The Advocate must be able to communicate effectively with foster parents as well as the Department of Children's Services.
- (3) The Advocacy Board:
 - (a) An advisory board to the advocates shall be appointed by the president of the Tennessee Foster Care Association, with the approval of the Board of Directors of the Tennessee Foster Care Association.
 - (b) The Advocacy Board shall consist of the state president of the Tennessee Foster Care Association, at least one ex-officio member from the Department of Children's Services Central Office Program staff, one representative from the certified official Department of Children's Services foster parent training or foster parent trainers, and at least two foster parents.
 - (c) All members of the Advocacy Board shall receive the Advocate's training, as set out in part 4.
- (4) Advocates' Training:
 - (a) Each Advocate selected shall receive fifteen (15) hours of pre-service training, consisting of, but not limited to, Child Protective Services policy and procedures; Risk Oriented Case Management information; the official Department of Children's Services foster parent training; Foster Care Board Payment (ChiPFinS) information, Case Manager's policy and procedures, Advocate protocol, communication techniques, and record-keeping.
 - (b) The training shall be conducted by the Advocacy Board, in conjunction with the Department of Children's Services central office program staff.
 - (c) Each Advocate will receive 12 hours in-service training per year, including program policy and procedure updates on both foster care and child protective services.
- (5) Advocacy Program Intake:
 - (a) Each Advocate's name and telephone number will be available via the Fosterer, the newsletter of the Tennessee Foster Care Association, and will be disseminated by the Department of Children's Services to all foster parents.
 - (b) Upon receipt of a call or complaint, the Advocate must return the complainant's call within 72 hours, and obtain information on the nature of the complaint. It is anticipated that many questions regarding policy and procedures can be answered in one telephone call. However, if further investigation is warranted, the Advocate will arrange for the foster parent complainant to sign a release of information so that the Advocate can talk to the Department of Children's Services staff and other relevant parties and complete an assessment of the complaint.
 - (c) The Advocate may conduct personal interviews, may accompany the foster parents to scheduled meeting.

(Rule 0250-7-15-.03, continued)

- (6) Record-Keeping:
 - (a) Each Advocate will be responsible for keeping a record of all contacts on behalf of a foster parent complainant.
 - (b) The Department of Children's Services shall be given access, upon request, to the complaint file.
- (7) Complaints and Mediation:
 - (a) Any foster parents who determines that the Department of Children's Services is in violation of the Foster Parents' Bill of Rights, T. C. A. § 37-2-415, or otherwise has a complaint should first discuss their concerns with the Case Manager assigned to the foster home and attempt work out an agreement. This step may involve showing the foster parent the written policy and procedures relative to approval of a foster home or any ongoing casework activities.
 - (b) If the Case Manager and the foster parent cannot reach an understanding, then the foster parent shall notify the Team Leader and request assistance from the Team Leader in mediating the conflict between the Case Manager and the foster parent.
- (8) Grievances:
 - (a) If the Case Manager and the Team Leader cannot make correction or adjustments, the foster parent shall notify the Team Coordinator in writing of their concerns, and request an appointment with the Team Coordinator.
 - (b) A scheduled meeting with the Team Coordinator and all parties must take place within 7 working days of the receipt of the foster parent complaint.
 - (c) The outcome of the meeting with the Team Coordinator shall be documented in writing within 2 working days of the meeting; responsibility for the documentation is with the Case Manager with the supervisory approval and signature of the Team Leader.
 - (d) The Team Coordinator must then make a recommendation in writing for corrective action (or possibly no action.) Copies of the Team Coordinator's decision must be forwarded to all participants.
- (9) Appeals:
 - (a) Within 7 working days of the grievance hearing, the foster parents may elect to file an appeal with the Regional Administrator of the Department of Children's Services.
 - (b) Upon receipt of an appeal letter, the Regional Administrator reviews all the information, and either accepts the recommendation of the Team Coordinator, or, at their discretion, may schedule an additional interview with the foster parent(s), DCS staff, and/or other relevant parties.
 - (c) Copies of the Regional Administrator's approval or modification of the Team Coordinator's recommendation must be forwarded to all participants.

Authority: T.C.A. §§ 37-2-405 and 37-2-415. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.